



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF SEPTEMBER 17, 2001

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-114 American Equity Ins. Co. v. Beck, S099665. (A092221, A092636; 90 Cal.App.4th 162.) Petition for review after the Court of Appeal affirmed the summary judgment in a civil action. This case concerns whether an attorney can sue co-counsel for breach of fiduciary duty allegedly resulting in a reduction or loss of anticipated attorney fees.

#01-115 Musser v. Provencher, S099938. (A088934; 90 Cal.App.4th 545.) Petition for review after the Court of Appeal reversed a judgment of nonsuit of a civil action. This case concerns whether an attorney can sue co-counsel for indemnification of damages for legal malpractice and, if so, whether a liability insurer that paid sums to settle a malpractice action can pursue a claim in subrogation against its insured's co-counsel.

#01-116 Bonanno v. Central Contra Costa Transit Authority, S099339. (A087846, A088589; 89 Cal.App.4th 1398.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the issue of whether the location of a bus stop can constitute a dangerous condition of public property

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within the meaning of Government Code section 850 when the alleged danger relates to a crosswalk bus patrons may be encouraged to use to reach the bus stop.

#01-117 Covenant Care, Inc. v. Superior Court, S098817. (B145406; 89 Cal.App.4th 928.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case concerns whether a claim under the Elder Abuse and Dependent Adult Civil Protection Act (Welf. & Ins. Code, § 15600 et seq.) for punitive damages against a health care provider is subject to the provisions of Code of Civil Procedure section 425.13.

#01-118 In re Alva, S098928. (B142625; 89 Cal.App.4th 758.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. This case concerns whether a requirement of registration as a sex offender (Pen. Code, § 290) constitutes “punishment” for purposes of the cruel or unusual punishment provision of the state Constitution (Cal. Const., art. I, § 7), and, if so, whether it is cruel or unusual to impose such a requirement for misdemeanor possession of child pornography.

#01-119 In re Walter S., S099120. (B144386; 89 Cal.App.4th 946, mod. 90 Cal.App.4th 529a.) Petition for review after the Court of Appeal modified and affirmed orders in a wardship proceeding. This case concerns whether a requirement of registration as a gang offender (Pen. Code, § 186.30) constitutes “punishment” for purposes of the cruel or unusual punishment provision of the state Constitution (Cal. Const., art. I, § 7), and, if so, whether it is cruel or unusual to impose such a requirement for possession of a sawed-off shotgun for the benefit of a gang.

#01-120 People v. Cochran, S099260. (D034916; 89 Cal.App.4th 103, mod. 89 Cal.App.4th 1299b.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case concerns whether a conviction for using a minor to produce pornography for “commercial purposes” under Penal Code section 311.4, subdivision (b), requires proof of intent to profit personally from the image, or whether proof of intent that the image eventually be distributed commercially is sufficient.